

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

DEREK D. DURANT,

Petitioner,

v.

Case No. 2:20-cv-320-FtM-38NPM

SECRETARY, DOC,

Respondent.

**ORDER REQUIRING PETITIONER TO
REFILE THE PETITION ON AN APPROVED FORM**

Petitioner filed a handwritten petition for habeas corpus relief pursuant to 28 U.S.C. § 2254. (Doc. 1).

Rule 2(d) of the Rules Governing Section 2254 Cases in the United States District Courts requires that a petition “substantially follow either the form appended to [the] rules or a form prescribed by a local district-court rule.” See *a/so* M.D. Fla. R. 4.14(a) (stating that § 2254 proceedings “shall be governed by the Rules pertaining to such proceedings as prescribed by the Supreme Court of the United States, including the model forms appended thereto”).

The Court finds the standard, pre-printed § 2254 form to be more helpful in evaluating Petitioner’s habeas claims in this case. The Court will, therefore, require Petitioner to amend and refile the petition on the § 2254 form attached to this Order **no later than July 24, 2020**.

The Court warns Petitioner that failure to submit an amended petition by the above deadline will result in dismissal of this action without further notice. A dismissal, even without prejudice, will not toll the applicable statute of limitations.

DONE AND ORDERED in Fort Myers, Florida on July 10, 2020.



NICHOLAS P. MIZELL
UNITED STATES MAGISTRATE JUDGE

SA: FTMP-2

Copies furnished to: Parties of Record